

CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT

March 18, 2004

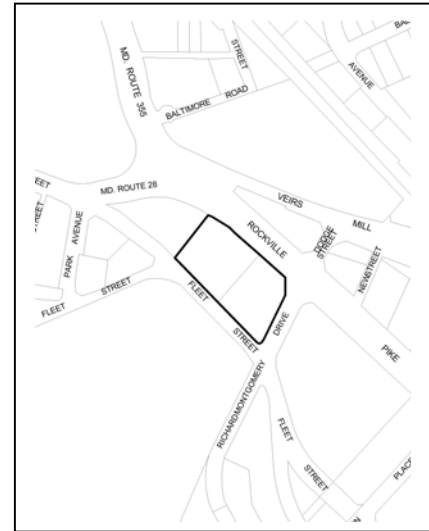
SUBJECT:

Use Permit Application USE2003-00668

Applicant: Sandy Spring National Bank of America
17801 Georgia Avenue
Oleny, Maryland 20832

Property
Location: 611 Rockville Pike
Rockville, Maryland 20852

Planning Commission Review Date: March 24, 2004



PREVIOUS RELATED ACTION:

Use Permit U-192-64, Montgomery Banking & Trust Company, a proposal to operate a banking operation in a temporary structure located in the (then) C-2 zone and (now) O-1 zone at the subject location, approved by the Planning Commission on January 7, 1965.

Use Permit U- 208-65, Victor R. Beauchamp, a proposal to construct an office building containing a bank in the then (C-2) zone and now O-1 zone at the subject location, approved by the Planning Commission on March 17, 1965.

Special Exception Application S-174-90, Jefferson Plaza III Limited Partnership, a request to provide drive-thru banking facilities at the existing bank located on the subject site in the O-1 zone, approved by the Board of Appeals on July 7, 1990. (Note: Expired due to lack of implementation)

Special Exception Application S-181-91, Jefferson Plaza III Limited Partnership, a request to install drive-thru banking facilities at the existing bank located on the subject site in the O-1 zone, approved by the Board of Appeals on April 6, 1991. (Note: Application similar to S-174-90 that expired due to lack of implementation.)

Use Permit U-484-91, Jefferson Plaza III Limited Partnership - a proposal to construct drive-thru banking facilities for an existing branch bank office at the subject location in the O-1 zone, approved by the Planning Commission on July 24, 1991.

Special Exception Application SPX99-0283, Realty Capital Partners, LLC, request to temporarily relocate the site's banking operation and its drive-thru facilities elsewhere on site, as an interim measure while the subject property at 611 Rockville Pike is being redeveloped, approved by the Board of Appeals on April 8th 2000.

Special Exception Application SPX2000-00289, Realty Capital Partners, LLC, request to modify previously approved SPX99-0283. Said request seeks approval to temporarily relocate the site's banking operation and drive-thru facilities elsewhere on site as an interim measure, in two phases, while the property is being redeveloped with a new office building, structured parking facilities, and permanent drive-thru facilities for the site's branch banking operation. Approved by the Board of Appeals on October 7th 2000.

Use Permit USE99-0600, Realty Capital Partners, LLC c/o John T. Kenney – a proposal to fully redevelop the subject property, temporarily relocate the site's baking operation and its drive thru facilities else where on site, raze the existing two-story office building, construct a new five-story office building, and a structured parking facility designed to accommodate 559 vehicles. Approved by the Planning commission on November 29th 2000.

Special Exception SPX2003-00335, Realty Capital Partners, LLC – a request to modify previously approved SPX2000-00289. Said request sought approval to allow for the temporary relocation of the site's branch bank and its customer drive-thru banking facilities to the northern area of the site, and later relocation to a new 31,500 square foot (two story with a terrace) office building that will be constructed in the southern portion of the site, along with the bank's new freestanding customer drive-thru facilities. Approved by the Board of Appeals on December 13th 2003.

REQUEST:

The application as submitted is a modification of previously approved Use Permit USE99-0600, approved by Planning Commission on November 29th 2000. In lieu of redeveloping the subject site as approved under USE99-0600, the applicant plans to redevelop the site in three (3) phases, as shown on the attached site development plan. Phase one (1) which is currently under construction includes the installation of a temporary (modular) bank building with customer drive-thru facilities, surface parking, and new temporary street entrance on Fleet Street. Phase two (2) will include the demolition of the existing two story office building, construction of the proposed 31,500 square foot office building, new surface parking facilities, new freestanding customer drive-thru banking facilities, and new vehicular entrances on Richard Montgomery Drive and Fleet Street. The third and final phase will include the construction of a second office building, five stories in height, and construction of a six level parking structure designed to accommodate 543 vehicular parking spaces.

STAFF RECOMMENDATION:

Staff recommends the application request be approved subject to the following conditions:

1. The applicant must submit to the Chief of Planning 11 copies of the site and building plans revised to illustrate the following development concerns have been satisfactorily addressed:

- a. All proposed site development and improvements for the bank's proposed temporary and permanent drive-thru facilities must to be constructed in accordance with the site and building plans submitted with SPX2003-00335; and with other conditions contained in this approval.
 - b. In accordance with Section 25-395 of the Zoning Ordinance, amend the "project data" notes on plan site A-1 to reflect the following: a) the total number of bank employees and the total number of site parking spaces required and to be provided for said employees, b) general and professional office space parking requirements calculated at one space per 300 square feet of gross floor area, c) retail space parking requirements calculated at one space for each 200 square feet of gross leasable space, and d) total number of handicapped spaces required and provided.
 - c. In accordance with Section 25-417 of the Ordinance, landscaping in the amount of two and one-half (2 ½) square feet per parking space shall be provided in each development containing more than 40 parking spaces. Add a note on the site's landscape plan listing the total square footage of landscaping required and provided per this section of the Ordinance.
 - d. Trees removed to accommodate the proposed site development must be replaced in accordance with applicable requirements of the City's Forest and Tree Preservation Ordinance. Note, all proposed site landscaping must be installed in accordance with landscape/forest conservation plan/s reviewed and approved by the City Forester.
 - e. All proposed, electric, telephone, and other utility lines, cables, transformers and equipment lockers must be placed underground, per Section 25-437 of the Ordinance. In its previous approval of Use Permit USE99-0600, the Planning Commission found that the applicant's planned screen wall and location of the proposed above ground transformers satisfied this provision of the Ordinance. Under the subject proposal, the concept remains the same as that previously approved.
 - f. In consultation with the City's Chief of Traffic and Transportation, appropriate (on-site) traffic control signage must be installed in and around the entrance and terminus of the bank's temporary and permanent drive-thru aisle locations, e.g., stop signs, pedestrian yield signs, do not enter, etc.
 - g. The proposed loading dock must be designed in accordance with Section 25-414(b) of the Ordinance, which requires "each loading space provided shall have a minimum width of 12 feet, clearance height of at least 14 feet, and a minimum depth of 50 feet, in the event that tractor-trailer loading or unloading is reasonably likely."
 - h. Use of the conference center space located within the proposed Sandy Spring Office building is for use and activities associated with the day to day operation of the building's tenants.
2. The Department of Public Works (DPW) requires the following information be provided and/or actions taken:

- a. Prior to construction, bonds must be posted and applicable permits obtained from DPW for public improvements, sediment control, and stormwater management (SWM).
- b. Detailed engineering plans and computations for the following: sediment control, stormwater management, and public improvements, including all work done in public rights-of-way (r/w).
- c. Permits must be obtained from the Maryland State Highway Administration (SHA) for any/all work within State right-of-way (r/w). All plans for improvements in State r/w must be submitted to DPW for review prior to submission to SHA.
- d. All internal and external traffic control devices, i.e., signs, markings and devices placed on, over, or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and vehicular traffic shall comply with the latest edition of Manual on Uniform Traffic Control Devices (MUTCD).
- e. Permits must be obtained from the Inspection Services Division to establish a sewer house connection (SHC) using the eight (8) inch line, which will be a private SHC.
- f. Provide a water meter which is accurately sized based on the demand of the first new office building being constructed, which may require installing a smaller meter than the present four (4) inch meter.
- g. Applicant must execute and record in the Montgomery County Office of Land Records a SWM Maintenance Easement/Agreement acceptable to the City Attorney's Office.

Note: The existing SWM easement created in the southeast corner of the property must be abandoned.

- h. Denote location and access to solid waste containers and recycling. Provide truck movement diagram/s for trash removal operations, site circulation, and loading.
- i. Additional streetlights must be provided and/or existing lights relocated, near or within close proximity of all site driveway entrances.
- j. A raised concrete median and modified lane configuration along Richard Montgomery Drive may be required by DPW. The implementation of this improvement will be made in two (2) phases.
 - 1. In the second phase, an island may be constructed in Richard Montgomery Drive, southwest of the site's terrace driveway, providing an area of refuge for vehicles leaving the site, per DPW requirements.

2. At the sole discretion of the Director of Public Works, a second phase may be required for the completion of this improvement. In the second phase, the island will be reconfigured and a sign placed to prohibit left-turns from Richard Montgomery Drive into the site.
 3. The Director of Public Works may require the applicant to build the second phase of the raised median at any time during project construction, up until six (6) months after the full occupancy of the site. The applicant must set a bond for both phases. The bond will not be released until both phases are constructed, or six (6) months after full occupancy of the site, whichever comes first.
- k. A contribution of \$200,000 will be required from the applicant to mitigate their impact on the adjacent roadway network prior to the issuance of building permits for phase III site development. This contribution will be in the form of cash, or the value of physical improvements/public services at the sole discretion of the Director of Public Works. This monetary contribution is in addition to all other needed contributions identified by staff through the traffic/transportation impact review process. These funds must be paid to the City of Rockville prior to the issuance of a building permit. The use of these funds will be reserved towards the extension of Fleet Street, starting from Mount Vernon Place and extending to Ritchie Parkway. Part or all of these funds may be used for other site area street improvements or traffic control devices, as may be identified by the Department of Public Works (DPW). If the street improvements are other than the possible alternative improvements presented to the Planning Commission for this application, DPW will then have to present final improvements to the Planning Commission. This presentation shall include information regarding the need or cause for making a different improvement, including a description on the final improvements and a comparison to the original improvements.
- l. In agreement with current City policies to encourage the use of alternative modes of transportation, as opposed to driving alone, which helps to mitigate impacts where no physical improvements could be identified, the applicant must provide the following incentives or contributions:

1. An agreement must be executed between the applicant and the City of Rockville before the issuance of a building permit. For the first new office building constructed, this agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area of the proposed site development, per year, for a period of ten (10) years (i.e., approximately \$3,150/year for 10 years). For the second and last new office building constructed, the agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area for a period of ten (10) years (i.e., approximately \$12,650/year for 10 years). The funds will be used for various programs designed to reduce the number and impact of vehicles within the subject site planning area. The funds will be used for the purpose of Transportation Demand Management (TDM) and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. These fees will be incorporated to the TDM capital improvement program funds of the

City.

2. Provide bicycle racks/lockers at a ratio of 1 bicycle space for every 50 vehicle parking spaces, proposed for the subject site at a convenient and safe location, as approved by DPW at the time of engineering review.
 3. Reserve 5 percent of on-site parking spaces for car/vanpools, in priority locations, which must be clearly shown on the site plan.
 4. Provide shower facilities on site for use by building tenants in the phase III office building.
- m. Construct a five-(5) foot wide sidewalk along the site's Fleet Street frontage as shown on the site plans. The sidewalk should be set back from the curb to allow for a grass strip between the walkway and roadway.
- n. Remove and reconstruct a five (5) foot wide sidewalk along the site's Richard Montgomery Drive frontage as shown on the site plan. The sidewalk should be set back from the curb to allow for a grass and tree strip between the walkway and roadway.
- o. Applicant will install an eight (8) foot wide bike path and maintain to the extent possible the existing grass buffer along the site's Route 355 street frontage in accordance with requirements of the City's Bikeway Master Plan.
- p. Dedicate to public use, right-of-way for provision of an exclusive right turn lane or other roadway improvements along the site's Richard Montgomery Drive frontage, i.e., the area north of Fleet Street.
- q. Pedestrian access should be provided between the proposed parking garage and both new office buildings being constructed on site.
- r. Prior to the issuance of building permits, the applicant shall contribute a monetary contribution of \$6,500 for the implementation of a bus shelter to be located at the intersection of Md. Route 355 and Richard Montgomery Drive.
- s. Proposed trees and other landscape materials must be planted/installed so as not to cause sight distance limitations at the curb along Fleet Street.
- t. Show r/w dedication for future right turn lane along the site's Richard Montgomery Drive frontage.
- u. County Impact Tax must be paid prior to the issuance of building permits for each respective

phase of the site development.

3. The Maryland State Highway Administration requires the following actions be taken: The term “denied access” is to be placed on the property’s final record plat along the property that abuts Md. Route 355.
4. The City Forester must formally approve the project’s forest conservation (FCP) and landscape plan/s. Note, the site landscape plans should be incorporated and/or coordinated with the FCP.
5. The following note must be added on the site plan sheet C-1: “Construction will meet requirements of the City’s construction codes, life safety and fire codes, State of Maryland accessibility codes, and federal Americans with Disabilities Act (ADA) requirements.”
6. Applicant must submit a final record plat, formally consolidating the subject property into one record lot.

ANALYSIS:

Property Description

The subject property has frontage on three (3) public streets, Rockville Pike on the north, Richard Montgomery Drive to the east, and Fleet Street to the south. The site is currently improved with a two-story office building, which is of masonry construction, with on-site surface parking facilities located on the north, west and south sides of the building. Vehicular access to the site is provided via dual site entrances on Richard Montgomery Drive, the northern driveway is “entrance only” and the southern driveway is “exit only”. The site currently has a single entrance on Fleet Street. The site’s topography slopes pronouncedly from the property’s frontage along Rockville Pike, downward towards its frontage along Fleet Street. The property is modestly landscaped and contains a variety of mature vegetation, ranging in species and size, i.e., hedges, shrubs, flowering and non-flowering plantings, an evergreen tree and several hardwood trees.

The property is approximately 116,980 square feet (2.68 acres) in size, zoned for O-1 (Office Building) land usage, and is bounded to the north, east, and south by institutional and commercial land uses and to the east by governmental and non-governmental office uses. The properties to the north and east of the site are zoned for RPC (Rockville Pike Commercial) land usage, to the south R-60 (single family detached, residential), and to the west zoned for O-1 (Office Building) land usage.



Aerial overview of 611 Rockville Pike

Land Use Request – Project Proposal

The applicant (Sandy Spring National Bank) in consultation with Realty Capital Partners, LLC, plan to fully redevelop the subject property in distinct phases. The first phase is currently under way. As approved under Special Exception SPX2003-00335 and previously approved Use Permit USE99-0600, a temporary modular office building is currently being installed in the northern area of the site, to accommodate the site's branch banking operation, as an interim measure during the second phase of the site redevelopment. The interim banking operation will be supported by on-site surface parking facilities to accommodate its customers and staff, and be accessed via a new (temporary) site entrance on Fleet Street).

Once the temporary banking operation is ready for business, the next (second) phase of redevelopment would commence. Under the second phase of redevelopment, the existing two-story office building would be razed in order to make way for the first of two new office buildings that will be constructed on site. During this phase of redevelopment, a new two-story (with a partial basement/terrace) office building, comprising approximately 31,515 square feet would be constructed in the southeast area of the site. Once completed, the branch bank's new office would occupy the terrace/first level of the new office building. In accordance with Section 25-395 of the Zoning Ordinance, a total of 115 on site surface parking spaces would be provided to the second phase new office building. Also, the bank's new freestanding customer drive-thru facilities would be constructed and located in the southwest area of the site, the same location as that approved under

previously approved SPX2003-00335. Upon completion of the second phase of development, all banking activities housed in the temporary modular building would be terminated and relocated to the new office building and other site accommodation

The temporary branch bank building and accompanying site surface parking facilities will be removed to make way for the proposed third and last phase of the planned site redevelopment. Under the third and final phase, a new five (5) story office building, approximately 126,600 square feet in size would be constructed in the center of the site area, along with a six (6) level parking garage that would be located in northern area of the site (See Exhibits 3 & 4). The proposed parking garage has designed would accommodate a total of 543 vehicles.

When fully redeveloped, vehicular access to the site will be via single entrances on Richard Montgomery Drive and Fleet Street. The site's easternmost entrance on Richard Montgomery Drive, the existing entrance nearest Rockville Pike, will be eliminated. The other remaining entrance on Richard Montgomery Drive will be widen and redesigned. The existing entrance on Fleet Street will be eliminated, replaced by a new entrance that will provide direct vehicular access to/from to the new parking structure/garage.

As noted, the branch bank and its new financial center will be located on the ground level of the new phase one office building, supplemented by new drive-thru customer banking facilities, having three (3) drive aisles. One (1) drive-thru lane will be served by an ATM facility and the other two (2) lanes served by bank staff working from indoor office locations. The bank's new drive-thru facility will be constructed of building materials similar in make, color, and quality to that of the proposed new office building. Both, the office building and new permanent drive-thru facility will be of masonry construction and have brick exterior facades.

A mix of retail and office uses will be located on the ground floor of the new office buildings, with the remaining upper levels of the buildings devoted to office uses. The 31,515 square foot (phase two) office building will contain approximately 4,600 square feet of retail space and 26,915 square feet of office space. The 126,600 square foot (phase three) office building will contain approximately 14,000 square feet of retail space and 112,600 square feet of office space.

Staff has recommended and the applicant has committed to making a monetary contribution to be applied to respective site area roadway improvement projects, as identified by the Department of Public Works. The applicant has also agreed to pay ten (cents) a square foot of the gross floor area (GFA) of the proposed development, for a period of ten (10) years for various programs to reduce the number and impact of vehicular trips in the subject site area. Staff has also recommended and the applicant has agreed to make street frontage improvements on Richard Montgomery Drive which include but may not be limited to the following: a) construct a raised traffic median/island southwest of the site's terrace level entrance, to allow (protected) left turns from Richard Montgomery Drive, b) install a painted traffic median southeast of the site entrance, creating an

area of refuge, for vehicles turning left out onto Richard Montgomery Drive, so that they can safely merge into traffic, and c) construct a raised concrete median that denies left turn movements into that site's terrace entrance, if it is determined such turning movements are unsafe and disruptive to the traffic flow of east and west bound motorist.

The City's Traffic & Transportation Division (DPW) staff completed a "traffic/transportation impact review" pertaining to the planned site development, consistent with that done under previously approved Use Permit USE99-0600 (See Attachment C).

Applicable Sections of the Zoning Ordinance & Staff Assessment

In accordance with Section 25-193 of the Ordinance a use permit shall be issued if the Planning Commission finds that the proposed use will not :

1. Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use. The existing and proposed use of the property is consistent with both the Master Plan's land use designation and zoning classification of the site. The existing office building located on the property was constructed in the mid 1960s. While the applicants' proposal to fully redevelop the site represents an intensification of the current site use, the property will continue to be used much as it has for the past 30 years. Staff has worked closely with the applicant in processing the subject use permit, which is a modification of previously approved use permit USE99-0600. The applicant affirmed that the previously approved project proposal was modified based on its business needs and current market conditions. The proposal to construct two office buildings and not one building as initially planned, which create roughly the same amount of overall floor space (i.e., 158,115 square feet) was viewed to better serve the business needs of the applicant and move the redevelopment of the site forward.

As noted, staff has recommended and the applicant has agreed to make a number of physical improvements and modifications along the site's Richard Montgomery Drive street frontage. The proposal to install raised medians to control left turning movements in and out of the site's terrace entrance on Richard Montgomery Drive is intended to reduce conflicts between vehicles entering/exiting the site and those traveling along the roadway.

2. Be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The subject office property is completely surrounded by commercial, institutional, and office land uses. The property does not and will not have vehicular access onto Rockville Pike. In its review of the applicants' previously approved special exception and user permit applications, there was no evidence the temporary banking facility and its drive-thru would be detrimental to the current use or future development of neighboring properties. Once fully built-out the new office development will be in keeping with the office zone in which it is located. The applicant submitted a traffic impact study, which analyzes the impact of projected site generated traffic on respective site

area roadways and street intersections. From staff's review and assessment of the study's findings, a number of area roadway improvements and/or monetary contributions have been identified. Staff has recommended that the applicant be responsible for such contributions and/or improvements, in order to mitigate (where possible) impacts that site-generated traffic will have on site area roadways. Specifically, staff has recommended the applicant be required to make improvements along the site's Fleet Street and Richard Montgomery Drive street frontages to insure that site vehicular ingress and egress is safe, efficient, and does not impede traffic flow in and around the subject site area. To insure that the new office buildings, which include the bank's new office operations and accompanying drive-thru facility do not overburden public improvements within the site area, staff has recommended a number of mitigation efforts as identified in the supplemental traffic analysis prepared by the City's Traffic and Transportation Division staff dated March 18, 2004.

Staff also notes that the level of water and sewer services needed to accommodate the proposed site development will be much greater than those that now serve the site's two level office building. Existing storm drainage infrastructure located in and around the subject site will need to be modified and/or improved as determined by DPW, in order to accommodate additional stormwater runoff created by the planned site development. The applicant is currently working with DPW staff on its proposal to construct and install an on-site stormwater management facility to accommodate the full site development.

3. Constitute a violation of any provision of the Zoning Ordinance or other applicable law. Upon full compliance with all of the recommended conditions of approval as referenced in this staff report, and/or as may be amended by the Planning Commission's action, the application request and accompanying development proposal should fully comply with all applicable provisions of the Ordinance and known law(s). In accordance with Section 25-296 of the Zoning Ordinance, "banks having drive-thru facilities for the purpose of conducting business transactions from vehicles," are permitted in the O-1 zone by grant of a special exception. The subject application and accompanying development proposal is found to be in substantial accordance with the project's recently approved and pending special exception proposal (SPX2003-00335), as it incorporates the site's planned temporary and permanent drive-thru banking facilities.

Based on all of the noted factors, staff finds reasonable justification to recommend Use Permit USE2003-0668 be approved subject to compliance with the conditions referenced on pages two thru seven of this staff report.

COMMUNITY NOTIFICATION PROCESS

Notification cards were sent to abutting property owners informing them of the application request and pending Planning Commission meeting, at which time the request will be publicly heard and considered. Notices were sent to 648 property owners located within the site area. A list of addressees is contained in the project's file, available for public review and inspection.

/cdc

Attachments

Attachment "A" – SPX2003-00335 Approval Letter

Attachment "B" – USE99-0600 Approval Letter

Attachment "C" – Traffic/Transportation Impact Review

Exhibits "1" – Phase II Site Plan

Exhibit "2" – Phase II Landscape Plan

Exhibit "3" – Phase III Site Plan

Exhibit "4" – Phase III Landscape Plan

Exhibit "5" – Preliminary Record Plat

Exhibit "6" – Building Rendering

Exhibit "7 thru 10" – Building Elevations

Exhibit "11 thru 13" – Floor Plans